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Department of Toxic Substances Control

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Arnold Schwarzenegger
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June 4, 2007

Mr. Thomas Johnson, Jr.
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CLOSURE OF HAZARDOUS WASTE MANAGEMENT UNITS AT THE RADIOLOGICAL MATERIALS HANDLING FACILITY, BOEING SANTA SUSANA FIELD LABORATORY, SIMI VALLEY, CALIFORNIA

Dear Mr. Johnson:

On May 23, 2007, the Department of Toxic Substances Control (DTSC) advised the Department of Energy (DOE) that, in light of a recent federal district court decision, DTSC is suspending its review of the Closure Plan submitted by Boeing for the closure of the Radioactive Materials Handling Facility (RMHF) at the Energy Technology Engineering Center (ETEC) located in Area IV of the Santa Susana Field Laboratory (SSFL). On May 24, DOE announced it would stop work at the ETEC and consult with authorities before finishing cleanup of the former nuclear research facility. DOE stated it would "continue to perform environmental monitoring activities and place operations in a safe and stable configuration" while working with State and federal regulators. On May 29, DOE initiated consultation with DTSC. On May 30, DOE provided DTSC with information regarding DOE's activities at the ETEC. On June 1, DTSC received DOE's response to the aforementioned May 23 letter along with more details about the status of various activities and disposition of wastes generated through May 25 at the ETEC. After reviewing DTSC's May 23 letter, DOE essentially requests clarification of DTSC's view on the permissibility of continuing certain activities during DOE's preparation of the Environmental Impact Statement (EIS) required by the federal court. This letter responds to DOE's request.

As previously stated by DTSC in the May 23 letter, DTSC interprets the federal district court decision to require DOE to prepare an EIS to address the cumulative impacts from the cleanup of both radioactive and chemical contamination at the ETEC. Therefore, DTSC agrees that environmental monitoring conducted within the ETEC should continue, as should routine inspections of permitted facilities. The preparation of all RCRA Facility Investigation Reports according to the agreed upon schedule should continue as well because those reports should be of value to the preparation of the EIS.

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Similarly, to the extent that radiological characterization at B/4024 would be of value to the preparation of the EIS and would not require any deactivation and decommissioning (D&D) work, the characterization work should continue.

Before commenting on the removal of wastes generated through May 25, 2007 and presumably stored on the site at this time, we would like to know specifically the origins, quantities, and characteristics of the wastes in question and the location(s) to which each of the wastes would be transported for disposal. Of particular interest to DTSC is whether nonradioactive wastes referred to in the attachments to your May 30 e-mail note and June 1 letter are wastes with radioactive materials at concentrations above background levels but less than DOE's unrestricted use limits, and whether any wastes with radioactive materials at concentrations above background will be shipped to the Class I hazardous waste disposal facility at Kettleman Hills.

In addition, and consistent with the court decision, DTSC believes that the "evaporation of H-3 well purge water" (presumably evaporation of tritium-contaminated groundwater extracted from Area IV) and all other activities associated with the closure and/or D&D of the ETEC and having potential environmental impacts must be suspended pending preparation of the EIS. This suspension requires DOE to cease all closure activities under the approved closure plan for the closure of the Hazardous Waste Management Facility, consisting of buildings 133 and 129. An extension of the closure period requires DOE to submit a request for a Class I (with asterisk) permit modification to allow amendment of the approved plan. At this point, DTSC intends to approve the request to allow for preparation of the EIS.

Lastly, notwithstanding any of the above, DOE should notify DTSC immediately of any imminent or actual emergency involving a release or threatened release of hazardous materials or constituents within or from the ETEC. If you have any additional questions concerning this matter, please contact me at (916) 327-8642 or Ms. Nancy Long, Senior Staff Counsel at (916) 324-3154.

Sincerely,



Norman E. Riley
SSFL Project Director

cc: see next page

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